

# Notice of Allowability

Application No.

10/072,625

Examiner

Man Phan

Applicant(s)

WINGFIELD, ISAAC

Art Unit

2616

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the communications filed 2/7/2006.
2. ☒ The allowed claim(s) is/are 1-39.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*Reasons for allowance*

1. This communication is in response to applicant's 02/07/2006 amendment in the application of Wingfield for the "Method and apparatus for modifying the rate of MPEG transport streams" filed 02/06/2002. This application claims Priority from Provisional Application 60301232 filed June 26, 2001. The proposed amendment to the claims, and response have been entered and made of record. Claims 1-7, 12-19, 21-38 have been amended. The claims have been amended to better point out and more distinctly claim subject matter comprising the invention.

2. Claims 1-39 are allowable as evident by applicant's amendment.

3. The following is an examiner's statement of reasons for allowance: The instant application is deemed to be directed to a nonobvious improvement over the invention patented in closest prior arts of record. The improvement comprises the step of maintaining identifiers that identify MPEG packets that can be discarded; altering timing information in the MPEG packets that bear timing information; inserting stuffing packets into the MPEG transport stream when the incoming rate is less than the payload rate, and discarding certain packets from the MPEG transport stream using at least one of the identifiers when the incoming rate is greater than the payload rate; wherein forwarding any non-discarded MPEG packets and stuffing packets, if any, into a FIFO outputting packets at the payload rate, the forwarding achieved after the altering of timing information; temporarily storing each MPEG packet from the MPEG transport stream in a

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one packet buffer prior to forwarding, and prior to altering, inserting and discarding, waiting until the one-packet buffer contains a complete one of the MPEG packet; wherein the first condition includes the FIFO having less packets than the watermark the instant one packet buffer contains a complete MPEG packet, wherein second includes the FIFO having more packets than the watermark the instant one packet buffer contains a complete MPEG packet; wherein the timing information altering mechanism includes a mechanism to test for packets carrying timing information, the mechanism to test coupled to one packet buffer, a mechanism to determine the amount by which the timing information should be altered, the mechanism to determine coupled to the FIFO, and a mechanism to perform arithmetic on the timing information by the amount, the mechanism to perform coupled to the mechanism to determine, as specifically recited in the claims.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Man U. Phan whose telephone number is (571) 272-3149. The examiner can normally be reached Monday through Friday from 6:00 am to 3:00 pm.

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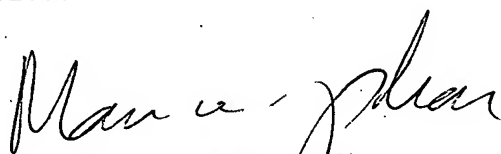
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at toll free 1-866-217-9197.

MPhan

04/26/2006



MAN U. PHAN  
PRIMARY EXAMINER